



January, 2000

Communiqué

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PRESIDENT'S REPORT

A new working definition of Competence is recommended

Bjorn Christianson, Q.C.

Waxing philosophical about the New Millennium may now be as over-exposed and tired as icicle lights. The temptation is great, though. This is the Law Society's third century - surely marvelous things lie ahead! Or not.

Ancient traditions will be reviewed in the coming months and years. The Provincial Government is already looking at the appointment of Queen's Counsel. Will the wearing of robes and the use of a ten month court calendar in the superior courts be next? Will we opt for modern and functional or the stability and dignity of honourable traditions? And this review will take place in the midst of unprecedented innovation in office technology, communications, and market values. The local newspaper carried a story two days ago on the Internet's impact on the availability of legal information for the average citizen, complete with a list of websites. Thankfully it also mentioned the dangers of having information without understanding. Today's Globe and Mail has a section on "Managing Professions" and the lead story is "Legal assistance firms court mid-market." The main firm in question is PPL Legal Care of Canada Corp., and the thrust of the

article is how much cheaper it can be than hiring your own lawyer directly.

So where will the legal profession be in 5 years, 10 or 20? Damned if I know. But, frankly, I think the destination is primarily up to us. If we look forward and be proactive we should have some control over our fate. If we only look back at The Old Days, we are bound to bump into something hard and sharp in a too painful manner.

With that in mind, I am pleased to report on a project well worth the new millennium. It has always been the understood theory that any lawyer who acted in the finest traditions of our profession would do so competently - anything less would be unprofessional and unacceptable. According to a 1975 Report to the Benchers by a Special Committee on Competence, it is "an accepted canon that incompetence will not be tolerated." Obviously some gap had developed between theory and practice or there would have been no need for a Special Committee on Competence (a Committee which recommended, by the way, that "the effort now be expended in weeding out the incompetents.")

But what is competence has been a challenging question, usually answered in the past by "we will know it when we see it." That, I am afraid, has been a little too subjective to be useful, let alone fair. If we are insistent that new graduates be competent before being called to the Bar, what do we mean by competent? If we say we will discipline lawyers for incompetence, what standard are we talking about? If we tell the public that we are a self-governing body that insures the competence of its members, how do we answer if we are asked what we mean by competent?

On January 6, 2000, the Benchers adopted recommendations from the Admissions and Education Committee and in so doing made available an answer to these questions. The first recommendation was that the Society use the following **working** (emphasis added, more on this below) definition of competence:

A competent lawyer has and applies relevant skills, attributes, and values in a manner appropriate to each matter undertaken on behalf of a client. These may include, but are not limited to:

- i. knowing general legal principles and procedures, and the substantive law and procedure for the areas of law in which the lawyer practises;
- ii. investigating facts, identifying issues, ascertaining client objectives, considering possible options, and developing and advising the client as to appropriate course(s) of action;
- iii. implementing the chosen course of action through the application of appropriate skills including:
 - (a) legal research,
 - (b) analysis,
 - (c) application of the law to the relevant facts,
 - (d) writing, and drafting,
 - (e) negotiation,
 - (f) alternative dispute resolution,
 - (g) advocacy, and
 - (h) problem solving ability

as each matter requires;

- iv. communicating in a timely and effective manner at all stages of the matter;
- v. performing all functions conscientiously, diligently, and in a timely and cost effective manner;
- vi. applying intellectual capacity, judgement and deliberation to all functions;
- vii. complying in letter and in spirit with the Rules of Professional Conduct;
- viii. recognizing limitations in one's ability to handle a matter, or some aspect of it, and taking steps accordingly to ensure the client is appropriately served;
- ix. managing one's practice effectively;
- x. pursuing appropriate professional development to maintain and enhance legal knowledge and skills; and
- xi. adapting to changing professional requirements, standards, techniques and practices.

It is absolutely critical to note that this is a working definition. It is action-oriented. Its opening words are: "a competent lawyer has and applies relevant skills, attributes and values in a manner appropriate to each matter undertaken on behalf of the client" and its specifics are tied to specific legal services. Furthermore it is not carved in stone, being carried down from a Mount.

Experience may prove that adjustments should be made to achieve sufficient levels of clarity and inclusiveness. Accordingly the second recommendation by the Committee related to process:

- a. The working definition should be advanced by revising the Preface to the Code of Professional Conduct to include the working definition after the first two existing paragraphs.
- b. Notices to the Profession should be provided to members, informing them of the working definition, why the Law Society has adopted it, its function to guide members and the role it will play in Law Society work.
- c. The definition should be provided to all standing committees and to the various departments of the Law Society so that it will underlie the competence related work in which the Law Society engages.
- d. The definition should be provided to the Faculty of Law and to continuing legal education providers for their assistance and use.
- e. Over the next two years feedback on the use to which the definition is being put should be sought.
- f. In the event the Law Society ultimately decides that it wishes to include the definition in a revised Rule 2, the comments of the profession and others would be sought.

It was felt that two years should be ample time to test the working definition against the real world. The Benchers will then have to decide in what form, if at all, this working definition should be specifically incorporated in Chapter 2 of the Code which deals with Competence and Quality of Service. And so the third recommendation: That the Bench consider, in two years' time, whether further codification of the definition is necessary.

We know that the vast majority of our members apply the standards implicit in this definition to their practices, whether they articulate them or not. But some do not or can not. We believe that this definition will help us, objectively and fairly, identify those who will not or can not meet the mark. We owe that to the public and we owe that to our responsible members, those who ultimately bear the real cost of incompetence – public disrespect for our profession and, more mundanely, the higher practising fees required to deal with the complaints from a clientele with a steadily increasing amount of information about law and a steadily increasing level of expectations.

Special thanks to those who worked on the A & E report: Allan Semchuk (Chair), Dr. Claudia Wright, Dean Harvey Selter, Campbell Wright, Kevin Williams, Aaron London, Julie Morgan, Paul Jensen, Douglas Bedford, Allan Fineblit, Sheila Redel and Darcia Senft.

Law Society Continues its Work on Conveyancing Practice Issues

Marilyn Billinkoff

Deputy Chief Executive Officer

The Law Society of Manitoba, together with Law Societies in British Columbia, Alberta, and Saskatchewan, is continuing its work on enhancing conveyancing processes across the west for the benefit of clients. Manitoba has led the way for change by drafting a conveyancing protocol outlining a restructured conveyancing practice in which sale and mortgage proceeds are dealt with and disbursed prior to the completion of registrations at the Land Titles Office. The protocol sets out in detail the new and additional responsibilities which vendors' and purchasers' solicitors will have to fulfill in connection with such a restructured process. The protocol proposes that if the process is followed, solicitors will be in a position to issue Lawyers' Property Certificates on closing and prior to completion of Land Titles registrations:

- o to the purchaser, warranting that title will be issued in the purchaser's name; and
- o to the lender, warranting that its security will be registered as required against the title and the mortgage will not suffer damages as a result of survey issues ("survey impairment").

The two other prairie provinces involved in the western initiative are using the Manitoba protocol as the basis for their own. British Columbia already has conveyancing practices in place that are similar to those outlined in the new protocol. Each of the four law societies has also agreed to commit funds and resources to pursuing the certificate and Susan Billington, counsel at the Law Society in Alberta, has been hired to manage the project.

Late last year, Manitoba Benchers gave approval in principle to the following:

- allowing solicitors handling residential conveyances in accordance with the Manitoba protocol to disburse funds (both sale proceeds and mortgage proceeds) upon closing as opposed to waiting until transfer and mortgage documents have been registered at the Land Titles office;
- authorizing solicitors to issue, on closing, and in accordance with the protocol, Lawyers' Property Certificates to purchasers and to lenders with the risk of issuing the certificates underwritten by The Law Society of Manitoba's Professional Liability Claims Fund;
- amending any Law Society of Manitoba Practice Directions necessary to allow for this new process to be implemented.

Benchers approval is subject to the further approval of the Canadian Lawyers' Insurance Association (CLIA) and our actuary and these discussions are underway. Discussions will also be held with representatives of financial institutions and there will be continued liaison with the committee overseeing the joint conveyancing project initiated by The Federation of Law Societies and The Canadian Bar Association.

The target date for implementation of the new conveyancing protocol and issuance of certificates is May 1, 2000. Prior to implementation, The Law Society of Manitoba will hold continuing

legal education courses for members so that everyone is fully aware of the practice changes.

Election Fever

Every two years we have a Benchers election in May. In some jurisdictions (most notably Ontario) Benchers elections are pretty wild and woolly. The legal press is full of adds from Benchers wannabes, arms are twisted, lunches are done, buttonholes are, well . . . buttonholed.

In Manitoba, historically the bi-annual Benchers election is a little less "upscale". A few discreet calls are made, Sid sends out his "Letter from a Benchers", Barney buys a new tie, and the Bar's Equity Sub-section sends a notice to its members promoting diversity on the Bench and well, that's pretty much it for what could even be loosely called campaigning.

The last election was the first after the number of elected Benchers was cut in half. That created a new election dynamic. This May, the election will have its own new twist. The dramatic growth in e-mail opens up new campaign options. A number of incumbents will become Life Benchers (four by my count) opening up the field a little wider than last time.

So . . . here is your mission. Consider the possibility of running as a Benchers. We have space, need new ideas and are a fun bunch. We have an exciting agenda for 2000 including certification of specialists, multi-disciplinary partnerships, technology issues, inter-jurisdictional practices and title insurance. Nomination Papers will be mailed to you in early March so start thinking about it now.

Student Hiring Deadlines Set

Five firms, in consultation with the Articling Committee of the Faculty of Law, have agreed to set deadlines for the hiring of summer law students. The Admissions and Education Committee encourages other firms to participate in this agreement in order to facilitate a fair hiring process.

The firms have agreed that:

- No offer of law student summer employment will be made until Monday, February 7th, 2000; and,
- A student who receives an offer of summer employment has until 12 p.m. [noon] on Tuesday, February 8th, 2000, to either accept or decline the offer, although it is open to the student to accept or decline an offer immediately or at any time prior to the above deadline.

The firms participating in the agreement are Aikins, MacAulay & Thorvaldson; Fillmore Riley; Pitblado Buchwald Asper; Taylor McCaffrey; and Thompson, Dorfman, Sweatman.

Please note that summer law student hired after February 7, 2000 will not be affected by this agreement. For further information, please contact Professor Lee Stuesser, Chair of the Faculty of Law Articling Committee.

Benchers' Meeting Highlights

The Benchers of the Law Society of Manitoba met on January 6, 2000. They heard a report from

Al Semchuk, the Chair of our Admission and Education Committee on the definition of competence. The Benchers approved the recommendations (for more details see the article in this issue by President **Barney Christianson, Q.C.**).

Benchers received a monitoring report on the per diem honourarium paid to Discipline member panels which had been introduced in January of 1998. It was decided that the honourariums should be reduced to \$500 per day for every day after the second day of hearing (down from the current rate of \$500 per half-day).

Benchers also reviewed their experience over the past year and decided that nothing would be lost by reducing the number of Bencher meetings in a year. Meeting less frequently (about 6 or 7 times a year instead of 9) would save money. Committee meetings will not be affected by the change and Benchers will continue to hold at least one meeting a year outside of Winnipeg.

NOTICE OF BENCHERS' MEETING

The next meeting of the Benchers of the Law Society of Manitoba will be held on **Friday, February 18, 2000 at 2:00 p.m.** at the Victoria Inn in Brandon, Manitoba. Members of the Society are encouraged to attend and participate in the deliberations of the governing body.

IN MEMORIAM

Wilfred James Gillis who passed away on October 7, 1999 at the age of 78. Mr. Gillis was called to the Bar in June, 1968 and practised law for 11 years in Manitoba.

James Frederick Redgwell who passed away on September 18, 1999 at the age of 65. Mr. Redgwell was called to the Bar in June, 1958. He practised law in Manitoba until 1989, when he retired from practice and moved to Quebec.

Melvin Fenson who passed away on September 11, 1999 at the age of 75. Mr. Fenson was called to the Bar in June, 1966 and practised law in Winnipeg for ten years before moving to Israel.

Solomon Rusen who passed away on December 10, 1999 at the age of 43. Mr. Rusen, a member of the Law Society of Upper Canada, was called to the Bar in Manitoba on August 9, 1985. He practised law in Winnipeg for four years before returning to Ontario.

Manuel David Waisman who passed away on November 10, 1999 at the age of 91. Mr. Waisman was admitted as a Solicitor in October, 1933 and called to the Bar in August, 1946. He practised law in Winnipeg and The Pas for 33 years. In 1967 he was appointed Deputy Registrar of the Brandon Land Titles Office and in 1972 was appointed and served as Deputy Registrar of the Neepawa Land Titles Office for two years. He then resumed private practice for a further two years in Thompson and The Pas until his retirement.

The Ten Best Manitoba Lawyers Ever

Allan Fineblit, Q.C.
Chief Executive Officer

When we started this slightly tongue and cheek millennium event I made one prediction – the

result would take absolutely no one happy. The process has been remarkably entertaining. We have a colourful history full of great characters and stories of skill, dedication, wisdom and generosity. . . . and a fair bit of humour to boot. In future Communiqués we'll include some of those amazing stories.

Our distinguished panel of judges, spanning three generations of practice, had quite a bit of fun picking 10 of the 95 names nominated.

There was a clear bias in favour of those no longer practising. In fact only one of the top 10 selected is still alive. This produced an unintended gender imbalance because of course women have only practised in significant numbers during the last 25 years.

Now before you read the list you need to keep three things firmly in mind. First, this is entirely subjective. Second, this is suppose to be good clean fun, nothing more. Lastly (and most importantly) remember that I am only the messenger. I didn't even have a vote.

Here is the list in alphabetical order:

1. **Sir James Aikins** was called to the Bar in 1879. He was Manitoba Counsel for the Department of Justice, and in that capacity was one of the Crown Counsel in the historic appeal of his conviction by Louis Riel. He was elected to the House of Commons representing Brandon and from 1915 to 1926 was Lieutenant Governor of Manitoba. He was a leading force in creating the CBA and served as its President for 13 years. He was President of the Law Society from 1888 to 1891.
2. **John Allen** was the Deputy Attorney General for the Province of Manitoba for 32 years from 1913 to 1945. This was an era when the Deputy Attorney General himself prosecuted the most difficult and serious matters. John Allen taught extensively at the Manitoba Law School and is considered by many one of its most outstanding lecturers.
3. **Cheryl Davidson** practised family law with Arpin & Company and later Thompson Dorfman Sweatman until her appointment to the Queen's Bench. She was called to the Bar in 1977 and she was President of the Manitoba Bar Association, and as a Bencher chaired the Law Society's Discipline Committee.
4. **Brian Dickson** was called to the Bar in 1940 and admitted as a solicitor in 1954. He was President of the Law Society in 1962. After serving on the Manitoba Court of Queen's Bench and Court of Appeal he was appointed to the Supreme Court of Canada in 1973 and became Chief Justice of that Court in 1984.
5. **William Parker Fillmore** was called to the Bar in 1907. He was one of Manitoba's leading civil litigators. He served as a Bencher of the Law Society from 1934 to 1949 and was President from 1946 to 1948. Stories of his skill as a left-handed pitcher in the Winnipeg Senior Baseball League still circulate.
6. **Samuel Freedman** was called to the Bar in 1933 and admitted as a solicitor in 1949. In 1952 he was appointed a Judge of the Court of Queen's Bench, beginning a career on the Bench during which he was recognized as one of Canada's most outstanding (and funniest) jurists. He was appointed Chief Justice of Manitoba in 1971. He was a lecturer at the Manitoba Law School and Chancellor of the University of Manitoba.

7. **Darcy McCaffrey** was called to the Bar in 1963 and was a founder in 1979 of the Taylor McCaffrey firm. He was lead counsel in negotiating the Northern Flood Agreement, counsel in the Churchill Forrest Industries Inquiry and counsel in the Manitoba Language Reference to the Supreme Court of Canada.
8. **Frank Meighen** was a Life Bencher of the Law Society of Manitoba and a recipient of the MBA Lifetime Achievement Award. During his 60 year career he served as a Crown Attorney for the Western Judicial District, Brandon City Solicitor and was a founder of the Meighen Haddad firm.
9. **Isaac Pitblado** died in 1964. The then President of the Law Society said "*The Law Society has lost its most respected and beloved member*". He remained active in his law firm well into his 90s. He had a national reputation for his expertise on freight rates. He was elected a Bencher of the Law Society from 1901 continuously until he became a Life Bencher in a 1937 including a term as President of the Law Society from 1916 to 1920. He was President of the CBA and President of the Commission for Uniform Laws.
10. **Harry Walsh, Q.C.** was called to the Bar in 1937 and is still actively practising today after a 63 year career as one of Canada's leading criminal lawyers. He is most proud of his role in the campaign to abolish capital punishment in Canada.

There you have it. Let the second guessing begin (after all there are at least 85 other good choices).

COPYRIGHT NOTICE

**To Members of the Canadian Legal Profession
From the National Copyright Committee of the Federation of Law Societies of Canada**

December 14, 1999

As many members of the profession are aware, on November 9 1999, Mr. Justice Gibson of the Federal Court of Canada delivered reasons for judgement in the case of *CCH Canadian Ltd. v. Law Society of Upper Canada*. In this case, three of Canada's legal publishers (CCH Canadian Ltd., Canada Law Book Inc., and Carswell Thomson Professional Publishing) sought an injunction to restrain the Law Society from continuing to provide its custom photocopying service, whereby it makes copies of extracts of certain legal materials available to members of the profession and judiciary.

While the decision of the Federal Court dealt only with the Law Society's custom photocopying service, the Court's findings have important implications for all members of the legal profession. The Federation is issuing this Notice to summarize the Court's findings, with a view to clearing up some confusion that may have arisen because of conflicting press releases and reports concerning the decision. We are also taking this opportunity to review new provisions in the *Copyright Act* and regulations relating to libraries, which came into force on September 1, 1999.

PART 1: Findings of Federal Court in Law Society of Upper Canada Action

The key findings of the Court were as follows:

1. The Court found that there was no copyright in certain individual reported decisions as they appeared in law reporting services, nor was there a separate copyright in the headnotes for those decisions. While both findings were limited to the specific decisions at issue, the Court reached this decision based on an analysis of the requirement of originality in the context of the process of creating law reports of judicial decisions. The Court found that editorial enhancements and additions made by legal publishers, including headnotes, do not reflect a sufficient degree of creativity or originality as to provide copyright protection to such materials. Citing the U.S. Second Circuit Court of Appeals decision in *Matthew Bender v. West Publishing*, the Court noted that creativity in the task of creating a useful case report can only proceed in a narrow groove because faithfulness to the original judicial decisions is the dominant editorial value.

Mr. Justice Gibson found that edited and enhanced versions of reasons for judgment are akin to compilations of data which the Federal Court of Appeal found in another case are not likely to exhibit *indicia* of the author's personal style or manner of expression. Applying this test in respect of the three decisions in issue, Mr. Justice Gibson found that the process of preparing reported judicial decisions lacks the "imagination" or "creative spark" that was essential to a finding of originality. Applying the same test, he also found that there was no separate copyright in the headnotes of the three cases in issue, nor in a case summary or a topical case index. At the same time, there was sufficient originality, creativity and ingenuity involved in creating an annotated statutory instrument and a textbook and legal monograph to find that such works were protected by copyright.

2. The Court reviewed various examples of copying of materials that were adduced in evidence and found two instances that represented the copying of substantial parts of protected works. The first example involved the copying of a 32-page monograph representing an entire chapter within a 713-page textbook. The second example involved the copying of 69 pages amounting to 93% of one chapter or 21% of the total pages of a 306-page textbook. Counsel for the Law Society had acknowledged at trial that the latter example was a mistake and should not have been copied in accordance with the Law Society's policy.
3. The Court found that there was no overriding public interest in the administration of justice or any basic constitutional values that would be impaired through recognition and enforcement of any copyright interests of the plaintiffs. The Court noted that there was no evidence before the Court to the effect that licenses would not be reasonably available to the Law Society or that the license fees would be prohibitive.
4. The Court found that the Law Society was not entitled to rely on the fair dealing defence with respect to any copies made available to members of the profession on the grounds that the copies made by the Great Library were for use by other persons. The Court noted that the newly enacted library exemption in the Copyright Act now sets out the intentions of Parliament with respect to the circumstances in which a library may make a copy of a work for another person.
5. The Court refused to exercise its discretion to grant an injunction to restrain the defendants from continuing to engage in its custom copying service. The Court noted in this regard that:

"the greater part of the plaintiffs' claim against the defendant for copyright infringement has not been successful. Further, the success that the plaintiffs have achieved is of such a limited nature that I am simply not satisfied that it would be appropriate for me to exercise my discretion to grant any form of injunction to the plaintiffs as against the custom photocopy service of the defendant."

6. The question of whether copyright subsists in a volume or series of law reports was not put in issue in this case. The judge also did not find it necessary to determine whether there is any Crown copyright in judgments in the form in which they are issued by a court (i.e., before any enhancements or additions are made by the publishers to include the judgments in a law reporting service).

The legal publishers have indicated that they will be appealing the decision of Mr. Justice Gibson.

PART 2 - New Library Exemptions in *Copyright Act*

The following is an outline of the key provisions of sections 30.2 and 30.3 of the Copyright Act, and the related regulations, which set out the circumstances in which a library may provide copies of certain materials to patrons and other persons. This summary is only intended to highlight these provisions and libraries and other interested persons should review the actual provisions to understand their application.

First, the exemptions apply only to an institution that is not conducted for profit or is not part of or controlled by a body conducted for profit, and that maintains a collection of materials that is open to the public or to researchers. Such an institution would not include a library operated by or for a law firm.

Second, the exemptions allow a library (or anyone acting under its authority) to do anything on behalf of any person that the person may do personally under the provisions of the Copyright Act permitting fair dealing for the purpose of research or research study, or fair dealing for the purpose of criticism or review (which latter exemption applies only if certain information is mentioned).

Third, the exemptions permit a library (or anyone acting under its authority) to make, for any person requesting the same for research or private study, a copy by reprographic reproduction of a work consisting of or contained in an article published in:

- a. a scholarly, scientific or technical periodical; or
- b. a newspaper or periodical, other than as described in (a) above, that was published more than one year before the copy is made.

However, this exemption does not apply to a work of fiction, poetry, or dramatic or musical work.

Fourth, the person for whom any copy referred to in the third item above was made must satisfy the library that the person will not use the copy for a purpose other than research or private study,

and the person must be provided with only a single copy of the work. Pursuant to this requirement, the regulations state that a library must insert on any copy provided to any person a text or stamp indicating that the copy is to be used solely for the purpose of research or private study and that any other use may require the authorization of the copyright owner.

Fifth, any copy permitted to be made under the exemptions referred to above may be provided by a library for the patron of another library, but the copy given to the patron must not be in digital form, and any intermediate copies must be destroyed once the copy is given to the patron.

Sixth, the regulations made under the Act prescribe in detail the information that is to be kept in respect of the copies made by a library under the exemptions referred to in the second and third items above. This information includes the name of the library (and where a copy is made for the patron of another library, the name of that library), the date of the request, information sufficient to identify the work, the name and the date or volume and number of the newspaper or periodical in which the work was found (if applicable), and the number of pages copied. This information need not be kept in respect of copies made under the exemption referred to in the second item above after December 31, 2003. The information must be kept for at least three years, and it must be open for inspection once a year on request by certain persons, namely, the copyright owner or the owner's representative, or a collective society authorized by the copyright owner to grant licenses to the work.

Seventh, the Copyright Act provides for a library to be exempt from copyright infringement where a copy of a work is made using a photocopying machine located on the premises for use by patrons, provided that a prescribed form of warning is affixed on or in proximity to the machine; however, this exemption applies only where the library has an agreement with a collective society or tariffs have been approved by or filed with the Copyright Board.

PART 3 - Conclusions

The National Copyright Committee is pleased that the decision of the Federal Court provides guidance to members of the legal profession in determining the types of works that are protected by copyright, and the circumstances in which copying activities may require the consent of copyright holders. The decision should be read with the library exemptions now set out in the Copyright Act and regulations. Any law library should review these provisions carefully to ensure that they meet the various conditions and restrictions applicable to the exemptions.

The Copyright Committee of the Federation has recently reaffirmed to CANCOPY its willingness to continue discussions with respect to possible blanket licenses for certain copying activities by members of the legal profession. The Committee believes that in carrying out any such discussions, the decision of the Federal Court would provide a useful guide in determining the proper scope of any licenses. Similarly, the National Copyright Committee believes that CANCOPY should take into account the decision of the Federal Court in any dealings that it may have with respect to the possible issuance of direct licenses for law firms, law societies or law libraries.

MEMBERSHIP CHANGES

The following members have voluntarily changed their status as indicated on the dates shown:

Inactive to Practising:

December 14, 1999Nadine S. Silverman

January 1, 2000Karen M. Dunlop

Practising to Non-Practising:

January 1, 2000Scott D. Kidd

January 1, 2000Kenneth E. Andrews

Practising to Inactive:

December 8, 1999Eleanor R. Dawson, Q.C.

January 1, 2000Jacob L. Henteleff

January 1, 2000Morton A. Slusky

January 1, 2000Stanley Goldberg

January 1, 2000Arthur A. Rich

Transfer from Another Province

Bruce M. Sychuk of the Law Society of Alberta was called to the Bar of Manitoba on January 14, 2000 and is now entitled to practice law in this jurisdiction, having fulfilled the requirements of *Rule 99*.

Call to the Bar

Nicole C. Harley was called to the Bar of Manitoba on January 14, 2000 after successfully completing the requirements of the bar admission course and articling program.

Exceptional Call

The Admissions and Education Committee permitted **Thomas B. Marsh, Q.C.** to be called to the Bar of Manitoba on December 8, 1999 under *Rule 95* (exceptional call).

OUTSTANDING INTEREST ON CLIENT ACCOUNTS

Pursuant to Section 47 of *The Law Society Act*, a lawyer is entitled to charge interest on unpaid fees, charges or disbursements where the lawyer and client have so agreed. Such interest is calculated from a date that is at least one month after the date the bill is delivered to the client.

The rate of interest that may be charged shall not exceed the rate established under Section 161 of the *Income Tax Act* (Canada) on the date the bill is delivered. The interest rate effective for the period January 1, 2000 to March 31, 2000 is 9%.

COMMUNIQUE' BACK ISSUES

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